

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>TERRY ANN FREDRIKSEN,</b>	)	
<b>Petitioner/Defendant,</b>	)	
	)	<b>CIVIL ACTION NO. 13-00378-KD</b>
<b>v.</b>	)	
	)	<b>CRIMINAL ACTION NO. 07-00391-KD-N</b>
<b>UNITED STATES OF AMERICA,</b>	)	
<b>Respondent.</b>	)	

**ORDER**

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation (Doc. 63) of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated August 2, 2013, is **ADOPTED** as the opinion of this Court, with the following clarification to footnote 4:

- Alleyne v. United States, 133 S. Ct. 2151 (2013), does not apply to Petitioner's case because she was not sentenced pursuant to the mandatory minimum. Rather, the Court determined that the statutory "safety valve," 18 U.S.C. § 3553(f), applied.

Accordingly, it is **ORDERED** that Petitioner's current motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (Doc. 60) is **DISMISSED** and that Petitioner is not entitled to either a Certificate of Appealability or to appeal *in forma pauperis*.

**DONE and ORDERED** this the **5<sup>th</sup>** day of **September 2013**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**